

REMARKS

Status of the Claims

Claims 1-11 were in the application as examined.

Claims 1-11 stand subject to restriction as directed to distinct two inventions.

Claims 1-6 are said to be drawn to helper servers having advertising messages and popularity greater than a defined threshold. Claims 7-11 are said to be drawn to a network of helpers having scope value particulars including temporal distance, local, regional, national and global scopes.

Applicants respectfully traverse the restriction requirement. While Examiner purports to show that the groups of independent claims are separate or distinct it is respectfully submitted that the statutory requirement is otherwise – purported sets of claims must be independent and distinct. Moreover, it is clear that a central theme throughout all of the claims is one in which helper servers in a network support delivery of content. The arbitrary structuring of the classification scheme creates the artificial boundaries adopted by the Examiner, not any independence and distinctness of the identified sets of claims.

Nevertheless, by this response, and in accordance with 37 CFR 1.143, claims 1-6 are tentatively elected. Claims 7-11 are tentatively withdrawn without prejudice to applicants' right to later pursue patentability of these claims 7-11 in a divisional or other application.

New claims 12-16, depending from claim 1, have been added by this amendment.

Claims 1-6 and 12-16 remain in the application.

Conclusion

For the foregoing reasons, it is respectfully submitted that original claims 1-6 and new claims 12-16 are directed to a single invention, overcome or avoid all bases for rejection and are allowable. It is requested that all claims be further examined, found allowable and passed to issue.

Please address all correspondence to: William Ryan, Law Offices of William Ryan, 1253 Springfield Avenue, Suite 360, New Providence, NJ 07974. Applicant's attorney can be reached at (908) 464-6602.

Respectfully submitted,

K.Guo

M.A. Hofmann

T.S.E. Ng

S. Paul

H. Zhang

By William Ryan

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William Ryan,
Attorney for Applicants
Reg. No. 24,434
(908) 464-6602

Law Offices of William Ryan
1253 Springfield Avenue
Suite 360
New Providence, NJ 07974
Tel: 908-464-6602
Fax: 908-464-7876